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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MARY JANE BEAUREGARD, and  
JOHN HUGH SMITH,

Plaintiffs,

v.

CLAYTON SAMPSON, an individual;  
ELISHA SAMPSON, an individual;  
ENVYTV, LLC, a Nevada limited liability  
company; and ENVY SOLUTIONS, LLC, a  
Nevada limited liability company

Defendants.

Case No.: 2:20-cv-02123-KJD-DJA

**MOTION FOR LEAVE TO FILE  
RESPONSE OR OBJECTIONS TO  
DEFENDANTS' ACCOUNTING  
DISCLOSURES [ECF NO. 154]**

Plaintiffs MARY JANE BEAUREGARD and JOHN HUGH SMITH ("Plaintiffs") file this Motion for Leave to File a Response or Objections to Defendants' Accounting Disclosures (ECF No. 154) and respectfully show the Court as follows:

**MEMORANDUM OF POINTS AND AUTHORITIES**

On January 31, 2024, the Court entered an Order adopting Findings of Fact and Conclusions of Law. [ECF No. 140]. The Court's Order followed a bench trial that concluded on January 4, 2024. The Court's Order directed Plaintiffs to make two filings within fourteen days: (i) a new damages summary with computation of pre-judgment interest; and (ii) a motion for attorneys' fees and costs. *See* Order [ECF No. 140] at 17. The Order provides Defendants shall

**PLAINTIFFS' MOTION FOR LEAVE TO FILE RESPONSE OR  
OBJECTIONS TO DEFENDANTS' ACCOUNTING DISCLOSURES**

1 have seven days to provide responses to Plaintiffs' filings, and further, that Plaintiffs shall be  
2 permitted to file replies to Defendants' responses within seven days. *Id.*

3 In addition, in its January 31, 2024 Order, the Court concluded that a comprehensive  
4 accounting of Defendants' various other EnvyTV-related business ventures, including  
5 EnvySolutions, EnvyCares, EnvyConnect, EnvySocial and an online Envy crypto currency  
6 business is necessary. *See* Order at 16. The Court's Order further notes that without this  
7 information, the Court cannot accurately determine the appropriate amount of compensatory  
8 damages. *Id.* The Court's Order therefore directed the Defendants to provide a full accounting of  
9 all corporate and personal financial records related to EnvyTV, EnvySolutions, EnvyCares,  
10 EnvyConnect, EnvySocial and EnvyCrypto within thirty days. *See* Order at 18. However, there is  
11 no provision in the Court's Order permitting Plaintiffs to file a response or objection to the  
12 accounting provided by Defendants. *Id.*

13  
14  
15 Plaintiffs complied with the deadlines set forth in the Court's January 31, 2024 Order. *See*  
16 Plaintiffs' Motion for Attorney's Fees [ECF No. 142]; Bill of Costs [ECF No. 143] and  
17 Supplemental Summary of Damages and Prejudgment Interest [ECF No. 144]. Following  
18 Plaintiffs' filings, Defendants retained counsel and requested additional time to respond to  
19 Plaintiffs' filings and provide their accounting. [ECF No. 146]. The Court subsequently entered  
20 an Order extending Defendants' deadline to respond to Plaintiffs' filings and provide an  
21 accounting to March 22, 2024. [ECF No. 147].

22  
23 On March 22, 2024, Defendants filed their Exhibits and Required Disclosures [ECF No.  
24 154] in response to the Court's Order for a full accounting. The Required Disclosures consist of  
25 six exhibits containing bank statements, profit and loss statements, and corporate and personal tax  
26 returns. Based on a review of the information submitted by Defendants, Plaintiffs respectfully  
27

1 request that the Court allow Plaintiffs the opportunity to respond or file objections to Defendants'  
2 accounting disclosures.

3 Leave of court may be granted to allow a party to file supplemental pleadings upon a  
4 showing of good cause. Fed. R. Civ. P 16(b)(4); LR-76(g). While prejudice to the opposing party  
5 may be considered, the Court's consideration of a motion for leave should focus on the moving  
6 party's reasons for seeking leave or modification of the Court's order. *Johnson v. Mammoth*  
7 *Recreations, Inc.*, 975 F.2d 604, 609 (9<sup>th</sup> Cir. 1992).

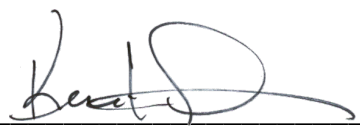
9 As further articulated in the Declaration of Plaintiffs' counsel below, allowing Plaintiffs  
10 the opportunity to respond or otherwise object to the accounting submitted by Defendants will  
11 likely inform the Court regarding whether Defendants have provided a comprehensive accounting  
12 to enable the Court to accurately determine the amount of compensatory damages to be awarded  
13 in this matter.

15 Based on the foregoing reasons set forth above and in the following Declaration, and for  
16 good cause shown, Plaintiffs Mary Jane Beauregard and John Hugh Smith respectfully request  
17 that this Court enter an Order permitting Plaintiffs to file a response or objections to Defendants'  
18 accounting disclosure on or before March 29, 2023. This is the date on which Plaintiffs are  
19 permitted to file their reply to Defendants' responses to Plaintiffs' supplemental damages  
20 summary and motion for attorney's fees and costs. [ECF No. 147].

22 Counsel for Plaintiffs has conferred with counsel for the Defendants and Defendants do  
23 not oppose the relief sought by this motion.

24 Accordingly, **IT IS HEREBY ORDERED** that Plaintiffs will have until March 29,  
25 2024, to file a response or objection to Defendants' accounting disclosures.

27 DATE: 03/25/2024

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KENT J. DAWSON  
UNITED STATES DISTRICT JUDGE